IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3061 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SURENDRANAGAR DUDHREJ NAGAR PALIKA

Versus

JAYENDRASINH CHANDRASINH ZALA

Appearance:

MR DA SURANI for the Petitioner.

MR KR KOSHTI for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 20/06/2003

ORAL JUDGEMENT

By filing this petition, the petitioner-Nagarpalika has challenged the order dated 27th June, 2002 passed by the Authority under the Gratuity Act, by which the Authority has allowed the application filed by the respondent-workman and the

petitioner is directed to pay the gratuity amount with 10% simple interest. It is not in dispute that the said order is appealable before the appellate authority, but the petitioner has not availed of the said remedy, and the impugned order has become final.

Even otherwise, the issue is squarely covered by the judgment of this Court (Coram : H.K. Rathod, J.) in Special Civil Application No.9335 of 2002 and other cognate matters, dated 1.5.2003. In that view of the matter, no relief can be given to the petitioner in view of the aforesaid judgment of this Court. The petition is, therefore, dismissed. Rule is discharged with no order as to costs.

20th June, 2003 (P.B. Majmudar, J.)

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(apj)